

Resolution No.: 16-1240

Introduced: January 19, 2010

Adopted: January 19, 2010

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: DPWT Docket No. AB724, Closure of Pedestrian Tunnel under Stedwick Road, Montgomery Village, Maryland

Background

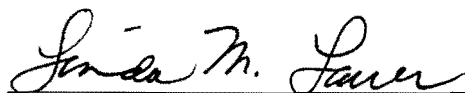
1. By letter dated March 27, 2009 from Miller, Miller & Canby on behalf of its client, JDC Village Development, LLC, the Petitioner, a request to the County was made to close a pedestrian tunnel under Stedwick Road in the Montgomery Village section of Gaithersburg.
2. A Public Hearing to consider the closure proposal was held on July 13, 2009 by the designee of the County Executive.
3. PEPCO did not respond within 60 days and, therefore, concurrence is presumed.
4. Washington Gas had no objection.
5. VERIZON did not respond within 60 days and, therefore, concurrence is presumed.
6. The Department of Transportation recommended conditional approval.
7. The Department of Fire and Rescue Services had no objection.
8. The Montgomery County Planning Board recommended conditional approval.
9. The Police Department approves the closure.
10. The County Executive recommends approval of the proposed abandonment.

Action

The County Council for Montgomery County, Maryland, finds that the pedestrian tunnel under Stedwick Road (see attached description and drawing by GLW) is no longer necessary for public use, pursuant to §49-63 of the Montgomery County Code, and approves the closure of the underpass, subject to the following conditions of closure:

1. Petitioner must structurally fill and seal the tunnel at both ends, as described by Petitioner's engineer at the public hearing, or using some other means of structural fill acceptable to the Department of Transportation.
2. Petitioner must enter into an agreement with the Center Court Condominium Association, providing for the right of access to its property to fill and seal the underpass and to allow a portion of the filled and sealed tunnel that extends beyond the right-of-way for Stedwick Road to remain in place with the filled and sealed area being regraded and seeded, sodded, or landscaped.
3. Petitioner must provide new ADA compliant pedestrian path connections to the designated pedestrian crossings of Stedwick Road.
4. Petitioner must show on the plat for its property the extent of the closed underpass beyond the limits of the right-of-way for Stedwick Road.
5. Petitioner must construct two opposing mid-block chokes with handicap ramps and restripe Stedwick Road in front of Petitioner's project to narrow travel lanes, calm traffic, and reduce pedestrian crossing distance in accordance with plans to be approved by the Department of Transportation.
6. Petitioner must stripe the crosswalks in accordance with plans to be approved by the Department of Transportation.
7. Petitioner must prepare and submit for Department of Transportation approval a signing and marking plan for the improvements it will make along Stedwick Road.
8. Petitioner must obtain necessary approvals and coordinate its plans for transportation management components that might be impacted by its work in connection with implementation of the closure of the underpass and creation of the new pedestrian crossings and work described in condition number 5 above.
9. Petitioner must remove or provide for removal of existing lighting fixtures, conduit and electricity within the underpass.
10. Petitioner must construct a new pad for a future bus shelter for a consolidated bus stop at a to-be-determined location to relocate the existing bus stops on Stedwick Road.
11. Any person aggrieved by the action of the Council for closure of the pedestrian tunnel under Stedwick Road may appeal to the Circuit Court within 30 days after the date such action is taken by Council.

This is a correct copy of Council Action.



Linda M. Lauer, Clerk of the Council

GLWGUTSCHICK, LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

JULY 29, 2009

DESCRIPTION OF

CLOSURE OF PEDESTRIAN TUNNEL

UNDER STEDWICK ROAD PLAT BOOK 80 PLAT NO. 8208

BEING a strip of land hereinafter described as running in, through, over and across Stedwick Road as shown on a Plat of Subdivision entitled "PLAT - 9, SHOWING A PLAN OF DEDICATION OF PART OF STEDWICK ROAD THROUGH MONTGOMERY VILLAGE" and recorded among the Land Records of Montgomery County, Maryland in Plat Book 80 as Plat No. 8208 and being more particularly described in the meridian as established by the Maryland State Grid as defined by the North American Datum of 1983 and adjusted in 1991 (NAD 83/91) as follows:

BEGINNING for the said strip of land at the northwesterly end of the southwesterly or North 76°08'02" West, 216.00 feet line of Lot 19 as delineated on a Plat of Subdivision entitled "PLAT 364, LOTS 19 & 20, A RESUBDIVISION OF LOT 16, VILLAGE CENTER, MONTGOMERY VILLAGE" and recorded among the aforesaid Land Records as Plat No. 13328, said point also being on the northeasterly or South 76°08'02" East, 1135.88 feet right of way line of said Stedwick Road, and thence running reversely with and along a part of said southwesterly line of Lot 19 and also running with and along a part of said northeasterly right of way line, the following course and distance

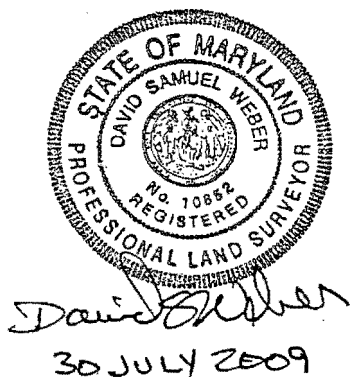
1. South 76°06'40" East, 10.88 feet to a point; thence leaving said southwesterly line and northeasterly right of way line and running in, through, over and across said Stedwick Road, the following course and distance
2. South 14°31'08" West, 80.01 feet to a point on the northeasterly or South 76°08'02" East, 620.00 feet line of Center Court Condominium as delineated on a Condominium Plat entitled "SECTION - TWO, CENTER COURT CONDOMINIUM, MONTGOMERY VILLAGE" and recorded among the aforesaid Land Records as Condominium Plat No. 1349, 564.00 feet from the southeasterly end thereof, said point also being on southwesterly or North 76°08'02" West, 1135.88 feet right of way line of said Stedwick Road; thence running with and along a part of said southwesterly right of way line and also running reversely with and along a part of said northeasterly line of Center Court Condominium, the following course and distance

Description of Closure of
Pedestrian Tunnel

July 29, 2009

3. North $76^{\circ}06'40''$ West, 18.40 feet to a point; thence leaving said northeasterly line and southwesterly right of way line and running in, through, over and across said Stedwick Road, the following course and distance
4. North $14^{\circ}31'08''$ East, 80.01 feet to a point on the southwesterly or North $76^{\circ}08'02''$ West, 270.33 feet line of Lot 15 as delineated on a Plat of Subdivision entitled "PLAT 343, LOTS 15 & 16, BEING A RESUBDIVISION OF LOT 1 M.V. PLAT 74, PART OF SECTION II-A, VILLAGE CENTER, MONTGOMERY VILLAGE", 7.52 feet from the southeasterly end thereof, said point also being on the northeasterly or South $76^{\circ}08'02''$ East, 1135.88 feet right of way line of said Stedwick Road; thence running reversely with and along a part of said southwesterly line of Lot 15 and also running with and along a part of said northeasterly right of way line, the following course and distance
5. South $76^{\circ}06'40''$ East, 7.52 feet to the point of beginning containing a computed area of 1,472 square feet or 0.0338 of an acre of land.

The licensee below was in responsible charge over the preparation of this metes and bounds description and the surveying work reflected in it, all in compliance with requirements set forth in COMAR Title 09, Subtitle 13, Chapter 06, Regulation .12.



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